



DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As the below-named inventor(s), we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our name.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS FOR MODULATING EXPRESSION OF EXOGENOUS GENES IN MAMMALIAN SYSTEMS, AND PRODUCTS RELATED THERETO** the specification of which

_____ is attached hereto.

X was filed on March 16, 1998 (Attorney Docket No. SALK1520-2) as Application Serial No. _____ and was amended on (or amended through) _____ (if applicable)

I authorize and request insertion of the serial number of the application when officially known:

United States Serial No.: 09/042,488

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

STEPHEN E. REITER, Registration No. 31,192; GREGORY P. RAYMER, Registration No. 36,647; DAVID F. KLEINSMITH, Registration No. 40,050; RAMSEY R. STEWART, Registration No. 38,322; STANLEY H. KIM, Registration No. 40,047; ROBROY R. FAWCETT, Registration No. 35,133; BARRY N. YOUNG, Registration No. 27,774; TIMOTHY W. LOHSE, Registration No. 35,255; DARLENE W. HAYES, Registration No. 33,899; WILLIAM N. HULSEY III, Registration No. 33,402 and STEVEN R. SPRINKLE, Registration No. 40,825.

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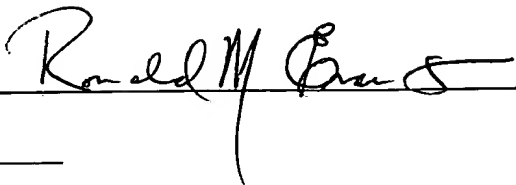
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Applicant(s): Evans et al.
Serial No.: Unassigned
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PATENT
Attorney Docket No. SALK1520-2

Full name of first inventor: **RONALD M. EVANS**

Inventor's signature: 

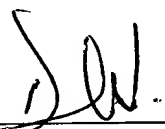
Date: 5/1/98

Residence: La Jolla, California

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Post Office Address: 1471 Cottontail Lane
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Full name of second inventor: **DAVID NO**

Inventor's signature: 

Date: 21 April 1998

Residence: Irvine, California

Citizenship: United States

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Applicant(s): Evans et al.
Serial No.: Unassigned
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PATENT
Attorney Docket No. SALK1520-2

Full name of second inventor: ENRIQUE SAEZ

Inventor's signature: _____

Enrique Saez

Date: 4/24/98

Residence: San Diego, California

Citizenship: Spain

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Attorney Docket No.: SALK1520-2
Applicant or Patentee: Evans et al.
Serial No. or Patent No.: Unassigned
Filed: March 16, 1998



Title: **METHOD FOR MODULATING EXPRESSION OF EXOGENOUS GENES IN MAMMALIAN SYSTEMS, AND PRODUCTS RELATED THERETO**

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION)

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION
ADDRESS OF ORGANIZATION

THE SALK INSTITUTE FOR BIOLOGICAL STUDIES
10010 NORTH TORREY PINES ROAD
LA JOLLA, CALIFORNIA 92037

TYPE OF ORGANIZATION

- ☐ University or other Institution of Higher Education
☒ Tax Exempt under Internal Revenue Service Code (26 U.S.C. §§501(a) and 501(c) (3))
☐ Nonprofit Scientific or Educational under Statute of State of the United States of America (Name of State _____) (Citation of Statute _____)
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§501(a) and 501(c) (3)) if located in the United States of America
☐ Would qualify as nonprofit Scientific or Educational under Statute of State of the United States of America if located in the United States of America (Name of State _____) (Citation of Statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled **METHOD FOR MODULATING EXPRESSION OF EXOGENOUS GENES IN MAMMALIAN SYSTEMS, AND PRODUCTS RELATED THERETO** by inventor(s) **Ronald M. Evans, David No and Enrique Saez** described in:

- ☐ the specification filed herewith
☒ application Serial No. 09/042,488, filed March 16, 1998.
☐ Patent No. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name _____
Address _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name _____
Address _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name _____
Address _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING
TITLE IN ORGANIZATION
ADDRESS OF PERSON SIGNING
SIGNATURE

Douglas D. Busch

Assistant Secretary & Director of Legal Services and Technology Transfer

10010 North Torrey Pines Road, La Jolla, CA 92037

Douglas D. Busch

Date: April 15, 1998